

MINUTES OF THE REGULAR MEETING OF THE LAW AND ORDINANCES COMMITTEE OF THE VILLAGE OF WILLOWBROOK HELD ON MONDAY, AUGUST 10, 2020 AT 5:30 PM AT THE WILLOWBROOK VILLAGE HALL, LOWER LEVEL CONFERENCE ROOM, 835 MIDWAY DRIVE, VILLAGE OF WILLOWBROOK, DUPAGE COUNTY, ILLINOIS.

1. CALL TO ORDER

Chairman/Trustee Terry Kelly called the meeting to order at the hour of 5:30 pm. It was noted that this meeting was held via conference call due to the Covid-19 pandemic.

2. ROLL CALL

Those present in person at roll call were Chairman Terrence Kelly, Trustee Gayle Neal, and Assistant Village Administrator Michael Mertens.

Present via Conference Call, Due to the Covid-19 Pandemic, were Trustee Umberto Davi, Building Official Roy Giuntoli, Village Attorney Thomas Bastian, and Karyn Byrne, 3<sup>rd</sup> Party Code Enforcement Officer.

3. APPROVAL OF MINUTES

Minutes – Regular Meeting July 13, 2020

MOTION: Motion Made by Trustee Davi to approve the minutes from the July 13, 2020 Law and Ordinances Committee meeting, second by Trustee Neal. Roll call, all in favor.

MOTION CARRIED

4. DISCUSSION – Code Enhancements for Chapter 9 Hotels – Rooming Houses

Assistant Village Administrator Mertens provided a current project status to date with the proposed code enhancements. Code Enforcement Officer Byrne was present to provide additional property maintenance feedback and assistance with the proposed code enhancements.

The proposed updates to the codes are focused to be more in line with industry standards and best practices, incorporate yearly inspections for property maintenance, health & sanitation issues.

The Committee had discussed various code enhancements at the June 8<sup>th</sup> & 13<sup>th</sup> Committee meeting. Assistant Administrator Mertens he provided a redline version of the recommended changes to date in the Committee packet.

The proposed enhancements will tie yearly inspections into the hotel's business license process. Building Official Giuntoli added that the form staff was requested to create for the annual inspection was also included in the packet.

Code Enforcement Officer Byrne noted that our ordinances had two different definitions and recommended that all definitions be consistent through the code. Village Attorney Thomas Bastian stated several areas, including section 3-9-3 needs to be changed. He also recommended tying in the requirements for a business license with the Liquor License. It was recommended to change section 3-9-5 wording to include a minimum per year inspection to current wording, as well as follow up inspections as needed. Trustee Davi recommended that the wording in section 3-9-6 specify inspections may be warranted for reoccurring violations. It was suggested to add that a License is subject to revocation for failure to clear violations via Village Board Public Hearing Process. The Village would need a separate Ordinance empowering Village Board to conduct the process, including the right to appeal right and a majority vote needed.

Staff will review a separate ordinance to identify additional inspections fees, if needed. Attorney Bastian recommended a change of the per violation per day language with notices to be served by personal service and to remove the registered mail wording replace it with certified mail.

Code Enforcement Officer Byrne recommended adding a new section titled Scope of Inspections and defining what will be inspected by staff such as define a percentage of units to be inspected, and staff to choose rooms at random at time of inspection. Add wording to include a transfer of ownership inspection and that Business License do not automatically transfer to new owner. An Inspection would be required at change of ownership. Ownership criteria should be defined, possibly set at over 5%. Trustee Neal suggested that a separate section be added for the transfer of ownership requirements.

Code Enforcement Officer Byrne suggested a business license cannot be transferred, or until a point that all identified property maintenance issues have been addressed and inspected by staff. If a new owner assumes the responsibility to make repairs, they have a limited time, i.e. 90 days with a performance bond to assure compliance.

Attorney Bastian advised that the change of ownership would only be applied to a new corporate owner with a new legal entity. Consideration of doing background checks on a new owner.

##### 5. DISCUSSION – Chapter 13 Solicitors Regulations

Assistant Village Administrator Mertens stated that Trustee Neal asked that the Committee to review Chapter 13 Solicitors regulations to update the language to include industry standards best practices.

Solicitations permits for charitable and commercial organizations are processed through the

Deputy Clerk's office. The Deputy Clerk notifies Police Department when a certificate is issued. Solicitations are currently prohibited from November 1<sup>st</sup> to March 31<sup>st</sup> with the hours of operation from 9:00 AM to 9:00 PM or Dusk, whichever occurs sooner in the evening. Currently there no fee is assessed. It was recommended that dates and hours of operation be researched. The overall submittal / permit issuance process needs to be reviewed as it appears that the current procedure is not followed at this time. Financial disclosures are currently required. The Police Chief was to issue signage. Background checks are currently not being done as part of the permit process.

Trustee Kelly advised that this section was created in this form on purpose. Often solicitors were at busy intersections causing disruptions. The process was created to address concerns for safety reasons. Trustee Neal advised that neighboring communities had recently noted an increase in door-to-door solicitations. She advised that the Village of Hinsdale has a code chapter 11 on same matter for comparison. Trustee Neal agrees that a fee should be assessed, and the Deputy Clerk is researching fees at this time. Other areas of review should be hours of operation, and background checks. The code should be updated to freedom of speech rights and if vests are to be supplied by the community a deposit should be required.

Attorney Bastian advised that many solicitation ordinances were challenged based on 1<sup>st</sup> Amendment rights. A HOA has the right to deny access to solicitors. The requirement of a driver's license should be replaced with a State issued identification.

6. ON GOING REVIEWS

- a. Food Truck Licensing Requirements – Needs further review by the attorney.
- b. Signage Permit Fees - Building Official Giuntoli stated that he is doing his ongoing research.
- c. Outdoor Sales for Service Stations- Building Official Giuntoli stated that he is doing his ongoing research.
- d. Business License Late Fees- Late Fees will be reviewed.
- e. BYOB Licensing – Further staff review on the subject is needed.

7. COMMITTEE REPORTS

- Trustee Gayle Neal: No Report
- Trustee Umberto Davi: No Report
- Chairman Kelly: Reported that this is likely his last meeting as the Chairman of the Law and Ordinance Committee.

8. VISITOR'S BUSINESS

NONE

9. ADJOURNMENT

Trustee Davi made a motion to adjourn, seconded by Trustee Neal.

Roll Call: Trustees Davi and Neal: Yes. Chairman Kelly: No

Motion carries, and the meeting adjourned at 6:22 pm

PRESENTED, READ, and APPROVED

\_\_\_\_\_, 2020

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CHAIRMAN

Minutes prepared by  
Roy A. Giuntoli, Building Official (09/09/2020)